

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

Amendment No. 2 to the
Agreement to Use City
Property with Canteen Vending
for vending machine placement
on certain city property

____ Briefing
____ Proposed Action
____ Consent
____ Action
____ First Reading
____ Second Reading
____ Third Reading
____ Public Hearing
____ Budget Advisory

COUNCIL BILL #
Originating Department
Contact Person
Phone Number
FOR AGENDA OF

____ Parks
____ Jeff Price
____ 425-257-7314
____ May 4, 2016

Initialed by:
Department Head
CAA
Council President

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u>	<u>Department(s) Approval</u>
Forest Park Floral Hall, Senior Center, Animal Shelter, and Swim Center	Approval of Amendment No. 1 on December 31, 2015	Amendment No. 2	Parks, Administration, Legal

Amount Budgeted	-0-	
Expenditure Required	-0-	
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

On December 15, 2010, City Council authorized the Mayor to enter into an agreement for Canteen Vending to use City property. Amendment No. 1 authorized Canteen Vending to continue to provide vending machine service at the Forest Park Swim Center and Floral Hall through December 31, 2016. Amendment No. 2 authorizes Canteen Vending to provide vending services at the Forest Park Swim Center, Senior Center, Animal Shelter through December 31, 2016.

The vending machine at Forest Park Floral Hall will be removed due to lack of business activity. Canteen Vending will increase its monthly payment to the City from \$450 to \$500 for the remainder of 2016.

RECOMMENDATION (Exact action requested of Council):

Authorize the Mayor to sign Amendment No. 2 to the Agreement to Use City Property with Canteen Vending.

**AMENDMENT NO. 2
AGREEMENT TO USE CITY PROPERTY
BETWEEN THE CITY OF EVERETT
AND CANTEEN VENDING**

This Amendment No. 2 is dated for reference purposes _____, 2016. It is by and between the City of Everett, a municipal corporation under the laws of the State of Washington ("City") and Canteen Vending ("Canteen").

RECITALS

A. The City and Canteen Vending are parties to the Agreement to Use City Property dated on or about February 4, 2011, amended by Amendment No. 1 dated December 31, 2015 (as amended, the "Agreement"). The term of the Agreement currently expires on December 31, 2016.

B. The City and the Canteen Vending desire to amend the Agreement for the purpose of making certain adjustments.

AGREEMENT

The City and Canteen Vending agree as follows:

1. The Agreement is modified so that the monthly fee under Section 5 of the Agreement is increased from \$450 per month to \$500 per month, which includes Lease Hold Tax, for the time period from May 6, 2016 to December 31, 2016.
2. For the time period from May 6, 2016 to December 31, 2016, Section 1 of the Agreement is modified to read as follows:

Canteen shall be permitted to place 2 vending machines, in an area specified by the City's agent, identified in Section 8, at the Animal Shelter. Canteen shall be permitted to place 2 vending machines, in an area specified by the City's agent, identified in Section 8, at the Senior Center. Canteen shall be permitted to place up to 3 vending machines, in an area specified by the City's agent at the Swim Center at Forest Park. The City's agent at his sole discretion may authorize in writing substitute vending machine locations.

No later than May 15, 2016, Canteen shall remove the vending machine currently located at Floral Hall in Forest Park.

3. Regardless of the date(s) on which this Amendment is signed by the parties, the parties agree that the Agreement has been continuously in effect since the original execution of the Agreement.
4. All provisions in the Agreement shall remain in effect except as expressly modified by this Amendment.

CITY OF EVERETT
WASHINGTON

CANTEEN VENDING

By: _____
Ray Stephanson, Mayor

Signature: [Signature]
Typed/Printed Name: Ray Stephanson
Title: Mayor

Date

Date

ATTEST:

APPROVED AS TO FORM:

Sharon Fuller, City Clerk
Date: _____

James D. Iles, City Attorney
Date: _____